



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,817	03/05/2002	Atsushi Mizutome	03500.016249.	2989
5514 7590 07/23/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
PENG, FRED H				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
07/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,817

Applicant(s)

MIZUTOME ET AL.

Examiner

FRED PENG

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2623

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/06/2008 has been entered.

DETAILED ACTION

Response to Arguments

2. Applicant's arguments with respect to claims 46-50 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues on page 6 of Remarks that Maisseil does not disclose or teach the user profile unit function together with search unit and operation functions.

The Examiner respectfully disagrees with applicant's arguments. Maisseil does disclose the user profile unit function (FIG.2, 130; Para 120 lines 9-17) together with search unit function (FIG.3, 200; Para 164; Para 165; customizing programs based on user preference for users is searching for a preferred program) and operation unit function (FIG.1, 110; Para 103).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 46, 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maisseil et al (US 2004/0049787) in view of Dedrick (US 5,724,521) and Mori et al (US 2004/0210932).

Regarding Claims 46, 48 and 50, Maisse discloses a receiving apparatus (FIG. 1, element 110) with corresponding method and computer-readable medium (memory) for receiving television broadcasting signals, comprising:

an external interface unit (FIG. 2, 160) for inputting, from outside of said receiving apparatus, an external user profile relates to a preference of a user of another receiving apparatus (Para 154);

a storing unit for storing the external user profile input by said external interface unit (FIG. 2, 140);

a searching unit (FIG. 3, 200) for a searching unit for searching for a preferred program among a plurality of transmitted programs multiplexed in the television broadcasting signals on the basis of said external user profile stored in said storing unit (Para 164; Para 165; customizing programs for users is searching for a preferred program);

an operation unit (FIG. 1, 110) for receiving an operation instruction for selecting a channel of the preferred program searched by said searching unit (Para 103);

a profile processing unit (FIG. 2, 130) for updating the external user profile on the basis of operation history of the channel selection by said operation unit (Para 120 lines 9-17) and outputting the updated external user profile to said another receiving apparatus through said external interface unit (Para 156).

Maissel is silent about a control unit for automatically deleting the external user profile in accordance with a predetermined time period elapsing from a time when the external user profile was stored in said storing unit.

In an analogous art, Dedrick teaches automatically deleting the external user profile stored in the memory after its usage (Col 7 lines 41-65) for privacy protection while Mori further discloses a time limit for automatic deletion for user convenience (Para 21, Para 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maisse's system to include automatically deleting the external user profile in accordance with a predetermined time period elapsing from a time when the external user profile

Art Unit: 2623

was stored as taught by Dedrick in view of Mori to protect user's privacy while adding benefits of user convenience.

5. Claims 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over et al (US 2004/0049787), Dedrick (US 5,724,521) and Mori et al (US 2004/0210932) as applied to claims 46 and 48 above, and further in view of Horn et al (US 6,862,612).

Regarding Claims 47 and 49, Maissel discloses updating the external user profile on the basis of the operation history of the channel selection but is silent about inquiring the user whether to update the external user profile.

In an analogous art, Horn discloses inquiring a user whether to update his user profile during a transaction (FIG. 12; Col 8 lines 59-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Maissel, Dedrick and Mori to include a prompt for confirmation of profile updating as taught by Horn to provide the user an additional option to choose.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

Vivek Srivastava
Supervisory Patent Examiner

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623